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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,418	04/27/2006	Takuji Maeda	P29854	3319
52123 7590 11/22/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
ALSIP, MICHAEL				
ART UNIT		PAPER NUMBER		
2186				
NOTIFICATION DATE		DELIVERY MODE		
11/22/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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### Office Action Summary

**Application No.**

10/577,418

**Applicant(s)**

MAEDA ET AL.

**Examiner**

MICHAEL ALSIP

**Art Unit**

2186

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24, 25, 27-41 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24, 25, 27-41 and 43-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 24-25, 27-41 and 43-46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **Claims 24 and 41** recite the claim limitation : "a controller operable to select the first or second recording area according to the write command and without regard to size of the received data;", however the Examiner can find no disclosure in the specification that supports a intentional disregard for the size of the received data during the selection of a recording area when a write command is received or in other words that a data size cannot be an indicator of a data type as is done in Ouchi et al. An absence of disclosure in the specification regarding an intentional disregard for the size of received data during a selection of a recording area when a write command is received does not provide support for this claimed limitation.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 24-25, 27-41 and 43-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Ouchi et al. (JP 2000181784), the English translation will be referenced and provided in with this action.
3. Consider **claim 24**, Ouchi et al. discloses an information recording medium for storing data managed by a file system, to/from which data is written/read via a command received from outside, the information recording medium comprising (¶'s [0024], [0033] and [0039]): a receiving section operable to receive a **write** command and data from outside ([0024], [0033] and [0039], where the flash memory card receives commands and data from outside); a first recording area in which data writing is managed in a first access unit; a second recording area in which data writing is managed in a second access unit larger than the first access unit (¶'s [0018]-[0020] and [0044], where the buffer 19 and memory chip 13 are the first recording area and the buffer 19 and memory chip 14 are the second recording area); and a controller operable to **select** the first or second recording area according to the **write** command and without regard to size of the received data (¶'s [0009]-[0012], these cited paragraphs describe a prior art flash memory implementation where boot data is stored in a boot sector, FAT data is stored in FAT area 1, root data is stored in the root directory field 2 and user data is stored in the user data area 3 and there is no discussion of any use of size to determine where to store the data and each of these are recording areas.); wherein when receiving **the** write command (¶'s [0028], [0035] and [0038]), the controller

**selects** the first or second recording area depending on a data type of the received data and **writes** the received data to the selected area (¶'s [0038]-[0040] and [0051]-[0053]), and wherein the data type includes a type indicating entity data, and a type indicating file system management information (¶'s [0009], [0012], [0028], [0082] and [0088]).

4. Consider **claim 25**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first recording area stores file system management information necessary for managing the file in the file system, and the second recording area stores entity data of the file managed by the file system (¶'s [0012] and [0086]-[0088]).

5. Consider **claim 27**, as applied to **claim 24** above, Ouchi et al. discloses further comprising an area for storing the address management information for managing correspondence of physical address and logical address of the first and second storage areas (¶'s [0009]-[0012], [0042] and [0048]).

6. Consider **claim 28**, as applied to **claim 27** above, Ouchi et al. discloses wherein the address management information includes information about write position of data (¶'s [0009]-[0012], [0042] and [0048]).

7. Consider **claim 29**, as applied to **claim 24** above, Ouchi et al. discloses wherein the data type is specified by an argument of the command, and the controller judges the data type on the basis of the value of the argument (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

8. Consider **claim 30**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first recording area and second recording area are provide on mutually different storage devices (¶ [0029], [0042] and [0107]).

9. Consider **claim 31**, as applied to **claim 30** above, Ouchi et al. discloses wherein the different storage devices have different characteristics of rewrite life (¶'s [0007], [0013]-[0015] and [0107]).

10. Consider **claim 32**, as applied to **claim 24** above, Ouchi et al. discloses wherein the controller judges the data type on the basis of a write position of the data (¶'s [0044], [0051]-[0060]).

11. Consider **claim 33**, as applied to **claim 32** above, Ouchi et al. discloses wherein the receiving section receives from outside information about position or size of the file system management information which is necessary for managing the file in the file system, the information recording medium further includes a FS management information register operable to hold the information about position or size of the received file system management information, and the controller judges the data type on the basis of the value of the FS management information register when receiving the write command (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

12. Consider **claim 34**, as applied to **claim 33** above, Ouchi et al. discloses the information recording medium according to claim 33, which, when receiving the information about position of the file system management information, judges whether the received position of the file system management information is included in the second recording area, and if included, moves data of predetermined size including the received position from the second recording area to the first recording area (¶'s [0015], [0055]-[0063], where if data is to be written to a sector in memory chip 14 of the second storage area, data present in the cluster is moved to the buffer (which is part of both the

first and second storage area), old data eliminated and all the data is moved back to the memory chip 14).

13. Consider **claim 35**, as applied to **claim 34** above, Ouchi et al. discloses wherein, when the first and second recording areas are provided on nonvolatile storage devices having predetermined data erase units, the predetermined size is same as the size of the larger data erase unit (¶¶s [0015], [0055]-[0063], where the size of the data evacuated to the buffer is the same size of the cluster stored on memory chip 14).

14. Consider **claim 36**, as applied to **claim 33** above, Ouchi et al. discloses wherein when receiving a write command, the controller judges the data type by comparing the value of FS management register with the write address specified by the write command (¶¶s [0057]-[0060]).

15. Consider **claim 37**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first and second storage areas are provided on the same storage device (¶ [0029], [0042] and [0107]).

16. Consider **claim 38**, as applied to **claim 24** above, Ouchi et al. discloses comprising: a slot for loading the information recording medium; an access control section operable to control writing and reading of data in the information recording medium loaded in the slot; and a file system control section operable to control the file system established on the information recording medium loaded in the slot, and transmit data and information about the data type to the information recording medium, when writing to the information recording medium (¶¶s [0033], [0038]-[0041] and [0106]-[0107]).

17. Consider **claim 39**, as applied to **claim 38** above, Ouchi et al. discloses wherein the file system control section specifies, as the data type, a type indicating data entity or file system management information ([0009], [0012], [0082] and [0088]).

18. Consider **claim 40**, as applied to **claim 33** above, Ouchi et al. discloses comprising: a FS management information notice section operable to inform the information recording medium of information about position and size of file system management information, wherein the FS management information notice section informs the information recording medium of information about position and size of file system management information, prior to writing of the file system management information (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

19. Consider **claim 41**, Ouchi et al. discloses a method of **control of an** information recording medium, for managing data stored in the information recording medium with a file system, comprising: managing writing of data to a first recording area in a first access unit; managing writing of data to a second recording area in a second access unit larger than the first access unit; receiving data and a write position together with a write command; selecting the first **or** second recording **area** as data writing area **according to the write command** and without regard to size of the received data (¶'s [0009]-[0012], these cited paragraphs describe a prior art flash memory implementation where boot data is stored in a boot sector, FAT data is stored in FAT area 1, root data is stored in the root directory field 2 and user data is stored in the user data area 3 and there is no discussion of any use of size to determine where to store the data and each of these are recording areas. ¶'s [0038] and [0060], where the controller does not take



into regard the size of the data, but rather a result of a comparison of a boundary address of both fields with the acquired physical sector address. The result of this comparison determines whether the data belongs in a one or four sector region, which indicates what type of data it is, the actual size of the data is not used by the controller in this process of determining which area to store the data.); and writing the received data to the selected area (¶'s [0018]-[0020] and [0090]-[0099]), **wherein when receiving the write command, the first or second recording area is selected depending on a data type of the received data** (¶'s [0038]-[0040] and [0051]-[0053]), **and** wherein the data type used in selecting the first or second recording areas **for the received data** include a type indicating entity data, and a type indicating file system management information (¶'s [0009], [0012], [0028], [0082] and [0088]).

20. Consider **claim 43**, as applied to **claim 41** above, Ouchi et al. discloses wherein further comprising receiving information about data type together with a write command, and judging the data type on the basis of the received information about data type (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

21. Consider **claim 44**, as applied to **claim 41** above, Ouchi et al. discloses wherein the data type is judged on the basis of the write position of the data(¶'s [0044], [0051]-[0060]).

22. Consider **claim 45**, as applied to **claim 24** above, Ouchi et al. discloses comprising transmitting information about data type of writing data to the information recording medium together with a write command (¶'s [0038]-[0040] and [0051]-[0053]).

23. Consider **claim 46**, as applied to **claim 33** above, Ouchi et al. discloses comprising: transmitting information about position and size of file system management information to the information recording medium to set an area for storing the file system management information in the information recording medium; and transmitting a write command together with data and write address to the information recording medium to write the data (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

### ***Response to Arguments***

24. Applicant's arguments filed 11/03/2010 have been fully considered but they are not persuasive. Upon further inspection of the specification the Examiner has been unable to find a disclosure supporting an intentional disregard of the size of the data being received when selecting a first or second storage region to perform a write and thus a 112 first paragraph rejection has been made for the limitations pertaining to this argued feature.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ALSIP whose telephone number is (571)270-1182. The examiner can normally be reached on Monday through Thursday 9:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Alsip  
Examiner  
Art Unit 2186

/Michael Alsip/  
Examiner, Art Unit 2186

November 16, 2010